

APPEAL,STAYED

**U.S. District Court
Western District of Wisconsin (Madison)
CIVIL DOCKET FOR CASE #: 3:14-cv-00734-slc**

Woodman's Food Market, Inc. v. The Clorox
Company et al
Assigned to: Magistrate Judge Stephen L. Crocker
Cause: 15:13 Antitrust Litigation - Price

Date Filed: 10/28/2014
Jury Demand: None
Nature of Suit: 410 Anti-Trust
Jurisdiction: Federal Question

Plaintiff

Woodman's Food Market, Inc.

represented by **John Alan Kassner , III**
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V.

Defendant

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Defendant

The Clorox Sales Company

represented by **Joshua H. Soven**

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Donald Karl Schott

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ATTORNEY TO BE NOTICED

Michael Robert Huston

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Rachel Anne Graham

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Stacy Ann Alexejun

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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/28/2014	<u>1</u>	COMPLAINT against All Defendants. (Filing fee \$ 400 receipt number 34690021441.), filed by Woodman's Food Market, Inc. (Attachments: # <u>1</u> Exhibit 1-Products produced & sold by Clorox to Woodman's as of 10-1-14, # <u>2</u> Exhibit 2-List of large pack products purchased by Woodman's until 10-1-14, # <u>3</u> Exhibit 3-Clorox's "Differentiated Products Offering", # <u>4</u> Exhibit 4-List of unit prices, # <u>5</u> Exhibit 5-Woodman's 9-15-14 letter to Clorox & sec. 240.8 of Federal Trade Commission's Federal Regulation 16, # <u>6</u> Exhibit 5A-Copy of revised Federal Trade Commission guide, # <u>7</u> Exhibit 6-Addresses of Woodman's store locations,

		# 8 Summons in a Civil Case, # 9 JS-44 Civil Cover Sheet, # 10 Disclosure of Corporate Affiliations and Financial Interest) (Kassner, John) Modified on 10/28/2014. (lak) (Entered: 10/28/2014)
10/28/2014	2	MOTION FOR PRELIMINARY INJUNCTION by Plaintiff Woodman's Food Market, Inc. (Kassner, John) (Entered: 10/28/2014)
10/28/2014	3	Affidavit of Clinton Woodman filed by Plaintiff Woodman's Food Market, Inc. re: 2 Motion for Preliminary Injunction (Attachments: # 1 Exhibit 1-List of products produced & sold by Clorox to Woodman's as of 10-1-14, # 2 Exhibit 2-List of large pack produces purchased by Woodman's until 10-1-14, # 3 Exhibit 3-Clorox's "Differentiated Products Offering", # 4 Exhibit 4-List of products produced & sold by Clorox to Woodman's by Clorox, # 5 Exhibit 5-Woodman's 9-15-14 letter to Clorox & Federal Trade Commission's Federal Regulation 16, sec. 240.8, # 6 Exhibit 5A-Copy of revised Federal Trade Commission guide, # 7 Exhibit 6-Addresses for Woodman's stores) (Kassner, John) Modified on 10/28/2014. (lak) (Entered: 10/28/2014)
10/28/2014	4	Brief in Support of 2 Motion for Preliminary Injunction by Plaintiff Woodman's Food Market, Inc. (Kassner, John) (Entered: 10/28/2014)
10/28/2014		Case randomly assigned to Magistrate Judge Stephen L. Crocker. (jat) (Entered: 10/28/2014)
10/28/2014		Standard attachments for Magistrate Judge Stephen L. Crocker required to be served on all parties with summons or waiver of service: Corporate Disclosure Statement , Order Regarding Assignment of Civil Cases , Notice of Assignment to a Magistrate Judge and Consent/Request for Reassignment , Order on Dispositive Motions , Preliminary Injunction Procedure . (jat) (Entered: 10/28/2014)
10/28/2014	5	Summons Issued as to The Clorox Company, The Clorox Sales Company. (jat) (Entered: 10/28/2014)
10/31/2014	6	Corporate Disclosure Statement by Plaintiff Woodman's Food Market, Inc. (Kassner, John) (Entered: 10/31/2014)

11/03/2014		Set Response Deadlines as to 2 MOTION FOR PRELIMINARY INJUNCTION . Procedure to be followed on Motions for Injunctive Relief attached. Brief in Opposition due 11/10/2011. (voc) (Entered: 11/03/2014)
11/03/2014		Set/Reset Deadlines: Consent/Request for Reassignment forms due 11/10/2014. (voc) (Entered: 11/03/2014)
11/04/2014		Set/Reset Deadlines as to 2 MOTION FOR PRELIMINARY INJUNCTION. Brief in Opposition due 11/10/2014. (jat) (Entered: 11/04/2014)
11/04/2014	7	Affidavit of Service by Plaintiff. The Clorox Company served on 10/30/2014, answer due 11/20/2014. (Kassner, John) (Entered: 11/04/2014)
11/04/2014	8	Affidavit of Service by Plaintiff. The Clorox Sales Company served on 10/30/2014, answer due 11/20/2014. (Kassner, John) (Entered: 11/04/2014)
11/05/2014	9	Motion to Admit Michael Robert Huston Pro Hac Vice. (Pro Hac Vice fee \$ 50 receipt number 0758-1441015.) by Defendants The Clorox Company, The Clorox Sales Company. (Huston, Michael) (Entered: 11/05/2014)
11/05/2014	10	** TEXT ONLY ORDER ** ORDER granting 9 Motion to Admit Michael Robert Huston Pro Hac Vice. Signed by Magistrate Judge Peter A. Oppeneer on 11/5/2014. (lak) (Entered: 11/05/2014)
11/05/2014	11	Motion to Admit Joshua H. Soven Pro Hac Vice. (Pro Hac Vice fee \$ 50 receipt number 0758-1441275.) by Defendants The Clorox Company, The Clorox Sales Company. (Soven, Joshua) (Entered: 11/05/2014)
11/06/2014	12	** TEXT ONLY ORDER ** ORDER granting 11 Motion to Admit Joshua H. Soven Pro Hac Vice. Signed by Magistrate Judge Peter A. Oppeneer on 11/6/2014. (lak) (Entered: 11/06/2014)
11/06/2014	13	Unopposed Motion for Extension of Time to <i>File Brief in Opposition to Plaintiff's Motion for a Preliminary Injunction</i> by Defendants The Clorox Company, The Clorox Sales Company. (Huston, Michael) (Entered: 11/06/2014)
11/06/2014	14	** TEXT ONLY ORDER ** ORDER granting 13 Motion for Extension of Time. Brief in

		Opposition due 11/24/2014. Signed by Magistrate Judge Stephen L. Crocker on 11/6/14. (jat) (Entered: 11/06/2014)
11/06/2014		Reset Deadlines: Consent/Request for Reassignment forms due 11/24/2014. (jat) (Entered: 11/06/2014)
11/14/2014	15	Proposed Findings of Fact re: 2 Motion for Preliminary Injunction by Plaintiff Woodman's Food Market, Inc. (Kassner, John) Modified on 11/17/2014. (lak) (Entered: 11/14/2014)
11/20/2014	16	Notice of Appearance filed by Donald Karl Schott for Defendants The Clorox Company, The Clorox Sales Company. (Schott, Donald) (Entered: 11/20/2014)
11/20/2014	17	Notice of Appearance filed by Stacy Ann Alexejun for Defendants The Clorox Company, The Clorox Sales Company. (Alexejun, Stacy) (Entered: 11/20/2014)
11/20/2014	18	Notice of Appearance filed by Rachel Anne Graham for Defendants The Clorox Company, The Clorox Sales Company. (Graham, Rachel) (Entered: 11/20/2014)
11/20/2014	19	Corporate Disclosure Statement by Defendants The Clorox Company, The Clorox Sales Company. (Huston, Michael) (Entered: 11/20/2014)
11/20/2014	20	MOTION TO DISMISS <i>Plaintiff's Complaint</i> by Defendants The Clorox Company, The Clorox Sales Company. Brief in Opposition due 12/11/2014. Brief in Reply due 12/22/2014. (Huston, Michael) (Entered: 11/20/2014)
11/20/2014	21	Brief in Support of 20 Motion to Dismiss <i>Plaintiff's Complaint</i> by Defendants The Clorox Company, The Clorox Sales Company. (Huston, Michael) (Entered: 11/20/2014)
11/21/2014		Set Telephone Conference: Telephone Pretrial Conference set for 12/19/2014 at 02:00 PM before Magistrate Judge Stephen L. Crocker. Counsel for Plaintiff responsible for setting up the call to chambers at (608) 264-5153. [Standing Order Governing Preliminary Pretrial Conference attached] (jat) (Entered: 11/21/2014)
11/24/2014	22	Motion to Seal <i>Brief in Opposition to Preliminary Injunction and Related Documents</i> by Defendants The Clorox Company, The Clorox Sales Company. (Huston, Michael) (Entered: 11/24/2014)
11/24/2014	23	Brief in Opposition by Defendants The Clorox Company, The Clorox Sales Company re: 2 Motion for Preliminary Injunction

		filed by Woodman's Food Market, Inc. (<u>Sealed Document</u>) (Huston, Michael) (Entered: 11/24/2014)
11/24/2014	24	Affidavit of Rick Rexing filed by Defendants The Clorox Company, The Clorox Sales Company <i>in Support of Defendants' Brief in Opposition</i> re: 2 Motion for Preliminary Injunction filed by Woodman's Food Market, Inc. (<u>Sealed Document</u>) (Huston, Michael) Modified on 11/25/2014 to link to the correct document. (lak) (Entered: 11/24/2014)
11/24/2014	25	Response to Proposed Findings of Fact filed by Defendants The Clorox Company, The Clorox Sales Company re: 2 Motion for Preliminary Injunction filed by Woodman's Food Market, Inc. (<u>Sealed Document</u>) (Huston, Michael) Modified on 11/25/2014 to link to the correct document. (lak) (Entered: 11/24/2014)
11/24/2014	26	Proposed Findings of Fact filed by Defendants The Clorox Company, The Clorox Sales Company re: 2 Motion for Preliminary Injunction filed by Woodman's Food Market, Inc. (<u>Sealed Document</u>) (Huston, Michael) Modified on 11/25/2014 to link to the correct document. (lak) (Entered: 11/24/2014)
11/25/2014	27	** TEXT ONLY ORDER ** ORDER granting 22 Motion to Seal. Signed by Magistrate Judge Stephen L. Crocker on 11/25/14. (jat) (Entered: 11/25/2014)
11/25/2014	28	Redaction to 23 Brief in Opposition by Defendants The Clorox Company, The Clorox Sales Company (Huston, Michael) Modified on 11/26/2014. (lak) (Entered: 11/25/2014)
11/25/2014	29	Redaction to 24 Affidavit of Rick Rexing filed by Defendants The Clorox Company, The Clorox Sales Company. (<u>Sealed Document</u>) Modified on 11/26/2014. (lak) Sealed on 12/8/2014. Corrected redacted document filed at 35 . (rep). (Entered: 11/25/2014)
11/25/2014	30	Redaction to 25 Response to Proposed Findings of Fact filed by Defendants The Clorox Company, The Clorox Sales Company. (Huston, Michael) Modified on 11/26/2014. (lak) (Entered: 11/25/2014)
11/25/2014	31	Redaction to 26 Proposed Findings of Fact filed by Defendants The Clorox Company, The Clorox Sales Company. (Huston, Michael) Modified on 11/26/2014. (lak) (Entered: 11/25/2014)
12/01/2014		Case non-randomly reassigned to Magistrate Judge Stephen L. Crocker. (cak) (Entered: 12/01/2014)

12/03/2014	32	Unopposed Motion for Extension of Time <i>to File Plaintiff's Brief in Opposition to Defendants' Motion to Dismiss</i> by Plaintiff Woodman's Food Market, Inc. Motions referred to Magistrate Judge Stephen L. Crocker. (Byron, Kraig) (Entered: 12/03/2014)
12/04/2014	33	** TEXT ONLY ORDER ** ORDER granting 32 Motion for Extension of Time. Brief in Opposition due 12/19/2014. Brief in Reply due 12/30/2014. Signed by Magistrate Judge Stephen L. Crocker on 12/4/14. (jat) (Entered: 12/04/2014)
12/04/2014	34	** TEXT ONLY ORDER ** The court would benefit from a reply by plaintiff in support of its motion for a preliminary injunction, dkt. 2 . The filing deadline is December 30, 2014. Signed by Magistrate Judge Stephen L. Crocker on 12/4/14. (jat) (Entered: 12/04/2014)
12/08/2014	35	Corrected Redaction to Affidavit of Rick Rexing 29 filed by Defendants The Clorox Company, The Clorox Sales Company (Huston, Michael) Modified on 12/8/2014 (jat). (Entered: 12/08/2014)
12/16/2014	36	Report of Rule 26(f) Planning Meeting. (Kassner, John) (Entered: 12/16/2014)
12/19/2014	37	Brief in Opposition by Plaintiff Woodman's Food Market, Inc. re: 20 Motion to Dismiss filed by The Clorox Company, The Clorox Sales Company (Attachments: # 1 Appendix 1 - FTC Rules & Regulations 9-29-2014, # 2 Appendix 2 - In the Matter of Luxor, Ltd., # 3 Appendix 3 - In the Matter of General Foods Corporation) (Kassner, John) Modified on 12/22/2014. (lak) (Entered: 12/19/2014)
12/19/2014		Minute Entry for proceedings held before Magistrate Judge Stephen L. Crocker: Telephone Preliminary Pretrial Conference held on 12/19/2014 [:15] (cak) (Entered: 12/19/2014)
12/19/2014	38	** TEXT ONLY ORDER ** On December 12, 2014, the court held an unrecorded telephonic preliminary pretrial conference that devolved into something closer to a status conference. Because there are different paths this case could take depending on the resolution of the pending motions, the court limited its scheduling to a few events. First, defendants' deadline to reply in support of their motion to dismiss is extended to January 5, 2015. Next, plaintiff reported that it intends to file on

		December 22, 2014 a motion to unseal the sealed documents that defendants filed along with their response to the preliminary injunction motion. If plaintiff files this motion, then plaintiff's deadline to reply in support of its PI motion is stricken; defendants may have until January 5, 2015 to respond to this motion; and plaintiff may have until January 12, 2015 to reply. As a placeholder, the court set jury selection and trial for April 11, 2016 at 9:00 a.m. The court will set interstitial dates and deadlines as necessary in consultation with the parties after it has ruled on the pending motion to dismiss and motion for a preliminary injunction. Signed by Magistrate Judge Stephen L. Crocker on 12/19/14. (jat) (Entered: 12/19/2014)
12/19/2014		Set Trial Date: Jury Selection and Trial set for 4/11/2016 at 09:00 AM. (jat) (Entered: 12/19/2014)
12/22/2014	39	Motion to Unseal Document 23 Brief in Opposition filed by The Clorox Company, The Clorox Sales Company, 26 Proposed Findings of Fact, filed by The Clorox Company, The Clorox Sales Company, 24 Affidavit, filed by The Clorox Company, The Clorox Sales Company, 25 Response to Proposed Findings of Fact, filed by The Clorox Company, The Clorox Sales Company by Plaintiff Woodman's Food Market, Inc. Response due 12/29/2014. (Kassner, John) (Entered: 12/22/2014)
12/22/2014	40	Brief in Support of 39 Motion to Unseal Document, by Plaintiff Woodman's Food Market, Inc. (Kassner, John) (Entered: 12/22/2014)
12/22/2014	41	Affidavit of John A. Kassner filed by Plaintiff Woodman's Food Market, Inc. re: 39 Motion to Unseal Document, (Attachments: # 1 Exhibit 1 - 12/5/14 email from Defendants) (Kassner, John) Modified on 12/23/2014. (lak) (Entered: 12/22/2014)
12/23/2014		Set Deadlines as to 39 Motion to Unseal Documents. Brief in Opposition due 1/5/2015. Brief in Reply due 1/12/2015. (jat) (Entered: 12/23/2014)
01/05/2015	42	Brief in Reply by Defendants The Clorox Company, The Clorox Sales Company in Support of 20 Motion to Dismiss (Huston, Michael) (Entered: 01/05/2015)
01/05/2015	43	Brief in Opposition by Defendants The Clorox Company, The Clorox Sales Company re: 39 Motion to Unseal Document, filed by Woodman's Food Market, Inc. (Attachments: # 1 Exhibit - Supplemental Affidavit of Rick Rexing (Also see

		44 .) (Huston, Michael) Modified on 1/6/2015. (lak) (Entered: 01/05/2015)
01/06/2015	44	Supplemental Affidavit of Rick Rexing filed by Defendants The Clorox Company, The Clorox Sales Company re: 39 Motion to Unseal Document, (Huston, Michael) (Entered: 01/06/2015)
01/12/2015	45	Brief in Reply by Plaintiff Woodman's Food Market, Inc. in Support of 39 Motion to Unseal Document. (<u>Sealed Document</u>) (Kassner, John) (Entered: 01/12/2015)
01/12/2015	46	Redaction to 45 Brief in Reply by Plaintiff Woodman's Food Market, Inc. (Kassner, John) Modified on 1/13/2015. (lak) (Entered: 01/12/2015)
01/14/2015	47	Motion for Leave to File <i>Surreply Brief in Opposition to Plaintiff's Motion to Unseal Documents</i> by Defendants The Clorox Company, The Clorox Sales Company. (Huston, Michael) (Entered: 01/14/2015)
01/14/2015	48	Proposed Brief in Sur-Reply by Defendants The Clorox Company, The Clorox Sales Company re: 39 Motion to Unseal Document, filed by Woodman's Food Market, Inc. (Huston, Michael) (Entered: 01/14/2015)
01/15/2015	49	** TEXT ONLY ORDER ** ORDER granting 47 Motion for Leave to File. Signed by Magistrate Judge Stephen L. Crocker on 1/14/15. (jat) (Entered: 01/15/2015)
02/02/2015	50	OPINION AND ORDER denying 20 Motion to Dismiss. Signed by Magistrate Judge Stephen L. Crocker on 2/2/15. (jat) (Entered: 02/02/2015)
02/04/2015	51	** TEXT ONLY ORDER ** On December 19, 2014, the court indicated that it would strike plaintiff's December 30, 2014 deadline to reply in support of its PI motion if plaintiff chose to file a motion to unseal the sealed documents that defendants had filed along with their response to the preliminary injunction motion . Plaintiff filed a motion to unseal (dkt. 39). In the course of briefing this motion, defendants advised the court (in dkt. 43) that they were withdrawing their reliance on the sealed documents in opposing the preliminary injunction motion. As a result, the motion to unseal is no longer relevant to the preliminary injunction (although there is at least some indication that it may be relevant to the discovery process).

		The court remains willing to entertain a reply by plaintiff in support of its motion for a preliminary injunction, dkt. 2 . Plaintiff's reply deadline is February 18, 2015. Also by February 18, 2015, the parties should provide their position(s), jointly or singly, on whether the motion to unseal still is relevant to any matter in this lawsuit and whether further briefing is needed on this issue. Signed by Magistrate Judge Stephen L. Crocker on 2/4/15. (jat) (Entered: 02/04/2015)
02/12/2015	52	Rule 26 Initial Disclosure Report by Plaintiff Woodman's Food Market, Inc. (Kassner, John) Modified on 2/19/2015 (jat). Attached document removed pursuant to Order #61. (Entered: 02/12/2015)
02/13/2015	53	Stipulation to Remove Plaintiff's 26(a)(1) Report from File (& proposed Order) by Defendants The Clorox Company, The Clorox Sales Company, Plaintiff Woodman's Food Market, Inc. (Kassner, John) Modified on 2/16/2015. (lak) (Entered: 02/13/2015)
02/17/2015	54	Motion for Extension of Time <i>To File Response To Complaint</i> by Defendants The Clorox Company, The Clorox Sales Company. Response due 2/24/2015. (Huston, Michael) (Entered: 02/17/2015)
02/18/2015	55	Brief in Reply by Plaintiff Woodman's Food Market, Inc. in Support of 2 Motion for Preliminary Injunction. (<u>Sealed Document</u>) (Kassner, John) (Entered: 02/18/2015)
02/18/2015	56	Affidavit of Andy Anundson filed by Plaintiff Woodman's Food Market, Inc. <i>in Support</i> re: 2 Motion for Preliminary Injunction, (Attachments: # 1 Exhibit 1 - Large Value Products List) (Kassner, John) Modified on 2/19/2015 to add exhibit description. (lak) (Entered: 02/18/2015)
02/18/2015	57	Redaction to 55 Brief in Reply by Plaintiff Woodman's Food Market, Inc. (Kassner, John) Modified on 2/19/2015. (lak) (Entered: 02/18/2015)
02/18/2015	58	Brief in Support of 39 Motion to Unseal Document, <i>Addressing Continuing Need for Ruling on Motion to Unseal Documents 23, 24, 25 and 26</i> by Plaintiff Woodman's Food Market, Inc. (Kassner, John) (Entered: 02/18/2015)
02/18/2015	59	Brief in Opposition re: 39 Motion to Unseal Document, <i>Regarding Continued Relevance Of Motion To Unseal</i> by Defendants The Clorox Company, The Clorox Sales Company. (Huston, Michael)

		Modified on 2/19/2015 to link to the pending motion. (lak) (Entered: 02/18/2015)
02/19/2015	60	** TEXT ONLY ORDER ** Defendants' motion for a one-week extension of their deadline to answer or otherwise respond 54 is granted without the need for a response from plaintiff. Such a one-week extension is inconsequential at this juncture in the lawsuit. Signed by Magistrate Judge Stephen L. Crocker on 2/19/15. (jat) (Entered: 02/19/2015)
02/19/2015		Set/Reset Deadlines: The Clorox Company answer due 2/24/2015; The Clorox Sales Company answer due 2/24/2015. (jat) (Entered: 02/19/2015)
02/19/2015	61	** TEXT ONLY ORDER ** ORDER granting 53 Stipulation to Remove Plaintiff's 26(a)(1) Report from File. Signed by Magistrate Judge Stephen L. Crocker on 2/19/15. (jat) (Entered: 02/19/2015)
02/23/2015	62	** TEXT ONLY ORDER ** Plaintiff's motion (dkt. 39) to unseal dkt. nos. 23, 24, 25 and 26 is DENIED as moot because defendants have withdrawn all reliance on the sealed portions of those documents for purposes of contesting plaintiff's motion for a preliminary injunction. The documents at issue include defendants' brief and supporting documents in response to plaintiff's motion for a preliminary injunction. Plaintiff argues that resolution of the motion still is necessary for settlement discussions between the parties. However, it is not the court's role to intervene in the parties' settlement negotiations by ordering one of the parties to do something it doesn't want to do. A disagreement of this sort is solely between the parties. Plaintiff also contends that the sealed information <i>may</i> be relevant if defendants raise a "meeting competition defense," If this comes to pass, then plaintiff should first seek such information during discovery, then file a motion to compel if defendants refuse to provide it. Signed by Magistrate Judge Stephen L. Crocker on 2/20/15. (jat) (Entered: 02/23/2015)
02/24/2015	63	MOTION TO DISMISS <i>as Moot</i> by Defendants The Clorox Company, The Clorox Sales Company. Brief in Opposition due 3/17/2015. Brief in Reply due 3/27/2015. (Huston, Michael) (Entered: 02/24/2015)
02/24/2015	64	

		Brief in Support of 63 Motion to Dismiss <i>as Moot</i> by Defendants The Clorox Company, The Clorox Sales Company, (Attachments: # 1 Exhibit A - Kassner Letter Dated 2-24-2015) (Huston, Michael) Modified on 2/25/2015. (lak) (Entered: 02/24/2015)
03/17/2015	65	Joint Motion for Extension of Time <i>To File Opposition to Defendants' Motion to Dismiss</i> by Defendants The Clorox Company, The Clorox Sales Company, Plaintiff Woodman's Food Market, Inc. (Huston, Michael) (Entered: 03/17/2015)
03/18/2015	66	** TEXT ONLY ORDER ** ORDER granting 65 Motion for Extension of Time. Brief in Opposition due 3/20/2015. Brief in Reply due 3/30/2015. Signed by Magistrate Judge Stephen L. Crocker on 3/18/15. (jat) (Entered: 03/18/2015)
03/20/2015	67	Redaction to 68 Motion to Amend Complaint by Plaintiff Woodman's Food Market, Inc. (Attachments: # 1 Proposed Amended Complaint) (Kassner, John) Modified on 3/23/2015 to correct docketing event and term motion. (lak) (Entered: 03/20/2015)
03/20/2015	68	Motion to Amend 1 Complaint (<u>Sealed Document</u>) by Plaintiff Woodman's Food Market, Inc. Brief in Opposition due 3/27/2015. Brief in Reply due 4/3/2015. (Attachments: # 1 Proposed Amended Complaint) (Kassner, John) Modified on 3/23/2015. (lak) (Entered: 03/20/2015)
03/20/2015	69	Brief in Opposition by Plaintiff Woodman's Food Market, Inc. re: 63 Motion to Dismiss filed by The Clorox Company, The Clorox Sales Company and combined Brief in Support re: 68 Motion to Amend Complaint filed by Woodman's Food Market, Inc. (<u>Sealed Document</u>) (Kassner, John) Modified on 3/23/2015 to clarify docket text. (lak) (Entered: 03/20/2015)
03/20/2015	70	Redaction to 69 Brief in Opposition/Brief in Support by Plaintiff Woodman's Food Market, Inc. (Kassner, John) Modified on 3/23/2015. (lak) (Entered: 03/20/2015)
03/20/2015	71	Affidavit of Andy Anundson filed by Plaintiff Woodman's Food Market, Inc. 63 Motion to Dismiss, re: 68 Motion to Amend Complaint. (Kassner, John) Modified on 3/23/2015 to link to the correct motion. (lak) (Entered: 03/20/2015)
03/20/2015	72	Redacted Proposed Amended Complaint by Plaintiff Woodman's Food Market, Inc., (Attachments:

		<p># 1 Exhibit 1: List of Products sold by Clorox to Woodman's as of 10/1/2014,</p> <p># 2 Exhibit 2: List of large pack products purchased by Woodman's until 10/1/2014,</p> <p># 3 Exhibit 3: Document labeled "Differentiated Products Offering",</p> <p># 4 Exhibit 4: List of unit prices for large pack products prior to 10/2/2014,</p> <p># 5 Exhibit 5: Woodman's 9/15/2014 letter to Clorox & FTC Federal Regulation 16 (guide),</p> <p># 6 Exhibit 5a: Revised Federal Trade Commission guide,</p> <p># 7 Exhibit 6: Chart showing addresses of Woodman's stores & distance to nearest Sam's Club & Costco stores) (Kassner, John) Modified on 3/23/2015. (lak) (Entered: 03/20/2015)</p>
03/27/2015	73	Brief in Opposition by Defendants The Clorox Company, The Clorox Sales Company re: 68 Motion to Amend Complaint, filed by Woodman's Food Market, Inc. (Huston, Michael) (Entered: 03/27/2015)
03/30/2015	74	Brief in Reply by Defendants The Clorox Company, The Clorox Sales Company in Support of 63 Motion to Dismiss <i>as Moot</i> . (Huston, Michael) (Entered: 03/30/2015)
04/03/2015	75	Brief in Reply by Plaintiff Woodman's Food Market, Inc. in Support of 68 Motion to Amend Complaint. (<u>Sealed Document</u>) (Kassner, John) (Entered: 04/03/2015)
04/03/2015	76	Redaction to 75 Brief in Reply by Plaintiff Woodman's Food Market, Inc. (Kassner, John) Modified on 4/6/2015. (lak) (Entered: 04/03/2015)
04/27/2015	77	ORDER denying 63 Defendant's Motion to Dismiss; granting 68 Plaintiff's Motion for Leave to Amend Complaint. Signed by Magistrate Judge Stephen L. Crocker on 4/27/15. (jls) (Entered: 04/27/2015)
04/28/2015	78	FIRST AMENDED COMPLAINT against The Clorox Company, The Clorox Sales Company (<u>Sealed Document</u>), filed by Woodman's Food Market, Inc. (Attachments: # 1 Exhibit 1: List of products produced & sold by Clorox to Woodman's as of 10/1/2014, # 2 Exhibit 2: List of large pack produced purchased by Woodman's until 10/1/2014, # 3 Exhibit 3: Document - "Differentiated Products Offering" from

		<p>Clorox 9/9/2014, # 4 Exhibit 4: List of unit prices, # 5 Exhibit 5: Woodman's 9/15/2014 letter to Clorox & copy of FTC guide, # 6 Exhibit 5A: Revised FTC guide, # 7 Exhibit 6: Chart - Addresses) (Kassner, John) Modified on 4/28/2015. (lak) (Entered: 04/28/2015)</p>
04/28/2015	79	<p>Redaction to 78 FIRST AMENDED COMPLAINT against All Defendants, filed by Woodman's Food Market, Inc. (Attachments: # 1 Exhibit 1: List of products produced & sold by Clorox to Woodman's as of 10/1/2014, # 2 Exhibit 2: List of large pack products purchased by Woodman's until 10/1/2014, # 3 Exhibit 3: Document - "Differentiated Products Offering" from Clorox 9/9/2014, # 4 Exhibit 4: List of unit prices, # 5 Exhibit 5: Woodman's 9/15/2014 letter to Clorox & FTC guide, # 6 Exhibit 5A: Revised FTC guide, # 7 Exhibit 6: Chart - Addresses) (Kassner, John) Modified on 4/28/2015. (lak) (Entered: 04/28/2015)</p>
05/07/2015	80	<p>Consent Motion for Extension of Time <i>To Respond To Amended Complaint</i> by Defendants The Clorox Company, The Clorox Sales Company. (Huston, Michael) (Entered: 05/07/2015)</p>
05/07/2015	81	<p>** TEXT ONLY ORDER ** ORDER granting 80 Motion for Extension of Time to respond to amended complaint. Signed by Magistrate Judge Stephen L. Crocker on 5/7/2015. (voc) (Entered: 05/07/2015)</p>
05/12/2015	82	<p>** TEXT ONLY ORDER ** Now that the court has determined that it has subject matter jurisdiction over plaintiff's Robinson-Patman Act claims 77 , the court is prepared to rule on plaintiff's motion for a preliminary injunction 2 . However, plaintiff has filed an amended complaint adding a new claim under the Sherman Act 78 . In light of this, plaintiff must clarify whether it intends to pursue its original request for the preliminary injunction or intends to amend it. Tied into this is the possible effect on the injunction analysis of any new motion to dismiss that defendants might file on May 18, 2015 in response to the amended complaint. Therefore, not later than May 26, 2015, plaintiff must report whether it intends to pursue its request for a preliminary injunction and, if so, whether</p>

		supplemental briefing is needed. Signed by Magistrate Judge Stephen L. Crocker on 5/12/15. (jls) (Entered: 05/12/2015)
05/13/2015	83	Response re: 82 Text Only Order <i>of May 12, 2015</i> by Plaintiff Woodman's Food Market, Inc. (Kassner, John) Modified on 5/13/2015. (lak) (Entered: 05/13/2015)
05/18/2015	84	MOTION TO DISMISS <i>Amended Complaint</i> by Defendants The Clorox Company, The Clorox Sales Company. Brief in Opposition due 6/8/2015. Brief in Reply due 6/18/2015. (Huston, Michael) (Entered: 05/18/2015)
05/18/2015	85	Brief in Support of 84 Motion to Dismiss <i>Amended Complaint</i> by Defendants The Clorox Company, The Clorox Sales Company. (Huston, Michael) (Entered: 05/18/2015)
05/19/2015	86	Motion for Leave to File <i>Response to the Court's May 12, 2015 Order</i> by Defendants The Clorox Company, The Clorox Sales Company. (Huston, Michael) (Entered: 05/19/2015)
05/19/2015	87	Response re: 82 Text Only Order by Defendants The Clorox Company, The Clorox Sales Company. (Huston, Michael) (Entered: 05/19/2015)
05/19/2015	88	** TEXT ONLY ORDER ** ORDER granting 86 Motion for Leave to File Response to the Court's May 12, 2015 Order. Signed by Magistrate Judge Stephen L. Crocker on 5/19/15. (jls) (Entered: 05/19/2015)
05/22/2015	89	Motion to Alter or Amend Judgment <i>to Certify For Interlocutory Appeal</i> by Defendants The Clorox Company, The Clorox Sales Company. (Huston, Michael) (Entered: 05/22/2015)
05/22/2015	90	Brief in Support of 89 Motion to Alter or Amend Judgment <i>to Certify For Interlocutory Appeal</i> by Defendants The Clorox Company, The Clorox Sales Company. (Huston, Michael) (Entered: 05/22/2015)
05/26/2015		Set Briefing Deadlines as to 89 Motion to Alter or Amend Judgment <i>to Certify For Interlocutory Appeal</i> . Brief in Opposition due 6/5/2015. Brief in Reply due 6/12/2015. (jls) (Entered: 05/26/2015)
05/28/2015	91	ORDER that plaintiff Woodman's Food Market, Inc.'s 2 Motion for a Preliminary Injunction is DENIED. Signed by Magistrate Judge Stephen L. Crocker on 5/28/15. (jls) (Entered: 05/28/2015)
06/02/2015	92	

		Unopposed Motion for Extension of Time to <i>File Plaintiff's Brief in Opposition to Defendants' Motion to Dismiss</i> by Plaintiff Woodman's Food Market, Inc. Response due 6/9/2015. (Kassner, John) (Entered: 06/02/2015)
06/02/2015	93	Brief in Opposition by Plaintiff Woodman's Food Market, Inc. re: 89 Motion to Alter or Amend Judgment filed by The Clorox Company, The Clorox Sales Company. <i>Woodman's Memorandum in Opposition to Clorox's Motion to Certify for Interlocutory Appeal of the Court's Orders Denying Clorox's Motions to Dismiss.</i> (Kassner, John) (Entered: 06/02/2015)
06/03/2015	94	** TEXT ONLY ORDER ** ORDER granting 92 Unopposed Motion for Extension of Time to File Plaintiff's Brief in Opposition to Defendants' 84 Motion to Dismiss. Brief in Opposition due 6/29/2015. Signed by Magistrate Judge Stephen L. Crocker on 6/3/15. (jls) (Entered: 06/03/2015)
06/03/2015		Reset Deadlines as to 84 Motion to Dismiss: Brief in Opposition due 6/29/2015; Brief in Reply due 7/9/2015. (jls) (Entered: 06/03/2015)
06/12/2015	95	Brief in Reply by Defendants The Clorox Company, The Clorox Sales Company in Support of 89 Motion to Alter or Amend Judgment (Huston, Michael) (Entered: 06/12/2015)
06/26/2015	96	Brief in Opposition by Plaintiff Woodman's Food Market, Inc. re: 84 Motion to Dismiss filed by The Clorox Company, The Clorox Sales Company. (<i>Plaintiff's Brief in Opposition to Defendants' Motion to Dismiss Sherman Act Claims.</i>) (<u>Sealed Document</u>) (Kassner, John) Modified on 6/29/2015. (lak) (Entered: 06/26/2015)
06/26/2015	97	Redaction to 96 Brief in Opposition by Plaintiff Woodman's Food Market, Inc. (Kassner, John) Modified on 6/29/2015. (lak) (Entered: 06/26/2015)
07/09/2015	98	Brief in Reply by Defendants The Clorox Company, The Clorox Sales Company in Support of 84 Motion to Dismiss <i>Amended Complaint.</i> (<u>Sealed Document</u>) (Huston, Michael) (Entered: 07/09/2015)
07/10/2015	99	Redaction to 98 Brief in Reply by Defendants The Clorox Company, The Clorox Sales Company. (Huston, Michael) Modified on 7/13/2015. (lak) (Entered: 07/10/2015)
07/17/2015	100	

		ORDER that defendant Clorox's 89 motion to certify this court's February 2 and April 27, 2015 orders for interlocutory appeal under 28 U.S.C. § 1292(b) is GRANTED. Signed by Magistrate Judge Stephen L. Crocker on 7/17/15. (jls) (Entered: 07/17/2015)
07/23/2015	101	Motion for Reconsideration of <i>the Court's Order Certifying for Interlocutory Appeal Its Orders Denying Defendants' Motions to Dismiss</i> re: 100 Order on Motion to Alter or Amend Judgment by Plaintiff Woodman's Food Market, Inc. Response due 7/30/2015. (Kassner, John) (Entered: 07/23/2015)
07/23/2015	102	Brief in Support of 101 Motion for Reconsideration of <i>the Court's Order Certifying for Interlocutory Appeal Its Orders Denying Defendants' Motions to Dismiss</i> by Plaintiff Woodman's Food Market, Inc. (Kassner, John) (Entered: 07/23/2015)
07/27/2015	103	Motion to Stay <i>All Proceedings Pending Appellate Review</i> by Defendants The Clorox Company, The Clorox Sales Company. Response due 8/3/2015. (Huston, Michael) (Entered: 07/27/2015)
07/27/2015	104	Brief in Support of 103 Motion to Stay <i>All Proceedings Pending Appellate Review</i> by Defendants The Clorox Company, The Clorox Sales Company. (Huston, Michael) (Entered: 07/27/2015)
07/27/2015	105	Brief in Opposition by Plaintiff Woodman's Food Market, Inc. re: 103 Motion to Stay filed by The Clorox Company, The Clorox Sales Company. (Kassner, John) (Entered: 07/27/2015)
07/28/2015	106	Notice of Petition to the Seventh Circuit Court of Appeals for Permission to Appeal pursuant to 28 U.S.C. § 1292(b). (jls) (Entered: 07/28/2015)
07/29/2015	107	Motion for Leave to File a Brief in Reply by Defendants The Clorox Company, The Clorox Sales Company in Support of 103 Motion to Stay. (Huston, Michael) Modified on 7/30/2015: Corrected docketing event. (lak) (Entered: 07/29/2015)
07/30/2015	108	** TEXT ONLY ORDER ** ORDER granting 107 Motion for Leave to File File a Brief in Reply re 103 Motion to Stay All Proceedings Pending Appellate Review. Signed by Magistrate Judge Stephen L. Crocker on 7/30/2015. (jls) (Entered: 07/30/2015)
07/30/2015	109	Motion for Leave to File <i>Sur-Reply Brief in Opposition to Motion to Stay (Docket No. 103)</i> by Plaintiff Woodman's Food Market, Inc. (Byron, Kraig) (Entered: 07/30/2015)

07/30/2015	110	Proposed Brief in Sur-Reply by Plaintiff Woodman's Food Market, Inc. re: 103 Motion to Stay filed by The Clorox Company, The Clorox Sales Company, 109 Motion for Leave to File filed by Woodman's Food Market, Inc. (Byron, Kraig) Modified on 7/30/2015. (arw) (Entered: 07/30/2015)
07/30/2015	111	** TEXT ONLY ORDER ** ORDER granting 109 Motion for Leave to File Sur-Reply Brief in Opposition to Motion to Stay. This is the last brief the court will accept on this issue. Signed by Magistrate Judge Stephen L. Crocker on 7/30/2015. (jls) (Entered: 07/30/2015)
07/30/2015	112	Brief in Opposition by Defendants The Clorox Company, The Clorox Sales Company re: 101 Motion for Reconsideration, filed by Woodman's Food Market, Inc. (Huston, Michael) (Entered: 07/30/2015)
08/13/2015	113	ORDER denying Plaintiff's 101 Motion for Reconsideration and granting Defendants' 103 Motion to Stay All Proceedings Pending Appellate Review. Signed by Magistrate Judge Stephen L. Crocker on 8/13/2015. (jls) (Entered: 08/13/2015)
09/09/2015	114	ORDER from USCA granting 106 Petition to the Seventh Circuit Court of Appeals for Permission to Appeal pursuant to 28 U.S.C. § 1292(b). Petitioners shall pay the required appellate fees to the clerk of the district court within ten days from the entry of this order pursuant to Federal Rule of Appellate Procedure 5(d)(1). (jls) (Entered: 09/09/2015)
09/11/2015		Appeal Filing fee received : \$505, receipt number 34690024002 (jls) (Entered: 09/11/2015)
09/14/2015	115	Appeal Information Packet. (lak) (Entered: 09/14/2015)
09/14/2015	116	Transmission of Order Granting Petition for Permission to Appeal, Orders and Docket Sheet re: 114 USCA Order, (Attachments: # 1 Opinion and Order #50, # 2 Opinion and Order #77, # 3 Docket Sheet) (lak) (Entered: 09/14/2015)
09/14/2015	117	Transcript Request Form by Defendants The Clorox Company, The Clorox Sales Company. (Huston, Michael) (Entered: 09/14/2015)
09/14/2015	118	USCA Case Number 15-3001 for 114 ORDER from USCA granting 106 Petition for Permission to Appeal pursuant to 28 U.S.C. § 1292(b). (jls) (Entered: 09/14/2015)

09/15/2015	119	Court Reporter Certification of Seventh Circuit Transcript Information Sheet. (jls) (Entered: 09/15/2015)
09/18/2015	120	Statement Of The Issues on Appeal re: 114 USCA Order granting Permission to Appeal Pursuant to 28 U.S.C. § 1292(b) by Defendants The Clorox Company and The Clorox Sales Company. (jls) (Entered: 09/18/2015)
12/18/2015	121	Certified and Transmitted Record on Appeal to US Court of Appeals re: 106 Notice of Petition to the Seventh Circuit Court of Appeals for Permission to Appeal, (Attachments: # 1 Certification) (lak) (Entered: 12/18/2015)
